

Agency 69

Kansas Board of Cosmetology

Editor's Note:

Effective July 1, 2002, rules and regulations which establish sanitation standards are under the Kansas department of health and environment. See. L. 2002, ch. 187, sec. 18.

Articles

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Article 1.—LICENSING AND QUALIFICATIONS OF COSMETOLOGISTS

69-1-1. Application procedure. (a) Any applicant desiring to become licensed as a cosmetologist, manicurist, esthetician or electrologist in the state of Kansas shall submit a written application for examination and licensure to the board on a form approved and furnished by the board no later than the 15th of the month before the date of the examination.

(b) The application shall include the following:

(1) A statement from the licensed school that the applicant has completed the apprentice and curriculum requirements and the date of completion. An applicant for an electrology license may submit a statement from a licensed school or a salon owner that the applicant has completed the apprentice and curriculum requirements and the date of completion; and

(2) the non-refundable fee as required by K.A.R. 69-11-1. (Authorized by and implementing

K.S.A. 65-1904, as amended by L. 1995, Ch. 248, Sec 1; 65-1905, 65-1912, as amended by L. 1995, Ch. 120, Sec. 6; effective Jan. 1, 1966; amended, E-70-24, July 1, 1970; amended Jan. 1, 1971; amended May 1, 1981; amended May 1, 1982; amended May 1, 1984; amended March 22, 1996.)

69-1-2. Applicant required to appear for next regular examination unless unable.

(a) An applicant who is unable to appear due to extenuating circumstances, shall provide written explanation and return the examination admission notice to the board. For good cause shown and upon approval by the board, the applicant shall then be granted a one-time privilege to take the next regularly scheduled examination without the payment of an additional fee.

(b) "Extenuating circumstances" means conditions caused by unexpected events beyond the person's control which are sufficiently extreme in nature to result in the inability or inadvisability to begin and complete the exam. (Authorized by and implementing K.S.A. 65-1904, as amended by L.

1995, Ch. 248, Sec. 1, 65-1905; effective Jan. 1, 1966; amended May 1, 1981; amended March 22, 1996.)

69-1-3. (Authorized by and implementing K.S.A. 65-1905; effective Jan. 1, 1966; amended May 1, 1981; modified, L. 1982, ch. 449, May 1, 1982; revoked March 22, 1996.)

69-1-4. Grades necessary to pass licensure examinations; development and administration of licensure examinations. (a) Each applicant taking the state board of cosmetology examinations shall be granted a license authorizing the practice of cosmetology, nail technology, esthetics, or electrology if the applicant attains the following examination scores:

(1) An average of at least 75 percent on the practical examination sections. However, each applicant shall be required to attain a score of at least 75 percent on the client protection section of the practical examination; and

(2) at least 75 percent on the written examination.

(b) Each applicant for licensure as an instructor shall be required to attain a score of at least 75 percent on the written examination for instructors, in addition to meeting the applicable requirements specified in K.S.A. 65-1903, and amendments thereto.

(c) The licensure examinations shall be developed and administered by the board or by a board-approved examination provider. (Authorized by and implementing K.S.A. 65-1905; effective Jan. 1, 1966; amended May 1, 1981; amended Feb. 21, 1994; amended March 22, 1996; amended, T-69-12-29-04, Dec. 29, 2004; amended April 15, 2005.)

69-1-5 and 69-1-6. (Authorized by K.S.A. 65-1905; effective Jan. 1, 1966; revoked May 1, 1981.)

69-1-7. (Authorized by and implementing K.S.A. 65-1903, 65-1905; effective Jan. 1, 1966; amended, E-70-24, July 1, 1970; amended Jan. 1, 1971; amended May 1, 1981; revoked March 22, 1996.)

69-1-8. Failure of examination. An applicant who fails the written or demonstration and oral examination may re-take that examination upon payment of the examination fee. If the applicant retakes the examination within six months

of the original date of application a doctor's statement is not required.

If the applicant fails written or demonstration and oral examination, the temporary permit previously issued to the applicant shall expire and shall not be renewed. (Authorized by and implementing K.S.A. 65-1905; effective Jan. 1, 1966; amended, E-70-24, July 1, 1970; amended Jan. 1, 1971; amended Jan. 1, 1973; amended March 22, 1996.)

69-1-9. (Authorized by K.S.A. 65-1903; effective Jan. 1, 1973; revoked May 1, 1981.)

Article 2.—OUT-OF-STATE COSMETOLOGISTS AND MANICURISTS

69-2-1. (Authorized by and implementing K.S.A. 1981 Supp. 65-1904b; effective Jan. 1, 1966; amended, E-70-24, July 1, 1970; amended Jan. 1, 1971; amended Jan. 1, 1973; amended May 1, 1981; amended May 1, 1982; revoked March 22, 1996.)

69-2-2. (Authorized by K.S.A. 65-1904b; effective Jan. 1, 1966; amended, E-70-24, July 1, 1970; amended Jan. 1, 1971; revoked May 1, 1981.)

69-2-3. (Authorized by K.S.A. 65-1905; effective Jan. 1, 1966; revoked May 1, 1981.)

69-2-4. (Authorized by K.S.A. 65-1904b; effective Jan. 1, 1966; revoked May 1, 1981.)

Article 3.—SCHOOLS

69-3-1. Application procedure. An applicant for a license to conduct a school of cosmetology, esthetics, electrology or manicuring shall submit the following to the board at least 60 days before the proposed date of operation:

(a) A written application upon a form approved and furnished by the board;

(b) a descriptive floor plan to scale which demonstrates compliance with K.A.R. 69-3-3;

(c) a curriculum which demonstrates compliance with K.A.R. 69-3-8;

(d) a daily class schedule for full-time and part-time students;

(e) an inventory of all instructional equipment to be provided and used in the operation of the school; and

(f) a copy of the written enrollment agreement between the school and the student including the refund policy and the rules and regulations of the

school. (Authorized by and implementing K.S.A. Supp. 65-1903, as amended by L. 1995, Ch. 120, Sec. 3; effective Jan. 1, 1966; amended, T-85-44, Dec. 19, 1984; amended May 1, 1985; amended March 22, 1996.)

69-3-2. (Authorized by and implementing K.S.A. 65-1903; effective Jan. 1, 1966; amended, E-70-24, July 1, 1970; amended Jan. 1, 1971; amended May 1, 1981; amended Dec. 28, 1992; revoked March 22, 1996.)

69-3-3. Facility requirements. (a) A school of cosmetology shall have a minimum of 50 square feet of floor space per student present on the school premises, but not less than a total of 2,500 square feet of floor space.

(b) A school of electrology, manicuring or esthetics shall have a minimum of 35 square feet of floor space per student present on school premises, but not less than a total of 1,500 square feet.

(c) A school of cosmetology shall have adequate equipment in the clinic practice area in relationship to the number of students present including a minimum of:

- (1) 10 work stations;
- (2) six shampoo bowls and chairs;
- (3) six hairdryers;
- (4) one facial chair; and
- (5) one manicure table and chair.

(d) A school of manicuring shall have the following:

- (1) At least 12 manicuring tables and chairs; and

- (2) a hand-washing sink in the clinic area.

(e) A school of esthetics shall have the following:

- (1) At least six reclining facial chairs; and
- (2) a hand-washing sink in the clinic area.

(f) A school of electrology shall have the following:

- (1) charts showing the muscles, nerves and circulatory systems of the face, head and neck and the hair shaft, follicle, root and other relevant components of hair;

(2) one F.C.C. approved electrolysis machine, operator stool, and one lamp for each two students enrolled. This equipment shall be spaced at least four feet apart; and

- (3) a hand-washing sink in the clinic area.

(g) All schools shall have the following:

- (1) A lecture and demonstration room;
- (2) a clinic practice area;
- (3) a library with resources which support the

curriculum and prepare a student for the practice of cosmetology, manicuring, esthetics or electrology;

(4) adequate storage area for student's personal belongings;

(5) a reception area;

(6) two rest rooms; and

(7) a dispensary or supply room which includes a sink with hot and cold running water. (Authorized by and implementing K.S.A. 65-1903, as amended by L. 1995, Ch. 120, Sec. 3; effective Jan. 1, 1966; amended, E-67-9, June 16, 1967; amended May 1, 1981; amended, T-85-44, Dec. 19, 1984; amended May 1, 1985; amended March 22, 1996.)

69-3-4. Number of instructors necessary. (a) A school of cosmetology shall maintain a ratio of instructors to students of not less than one to 25 in the classroom and one to 18 in the clinic practice area.

(b) A school of nail technology or esthetics shall maintain a ratio of instructors to students of not less than one to 25 in the classroom and one to 20 in the clinic practice area. (Authorized by and implementing K.S.A. 1995 Supp. 65-1903; effective Jan. 1, 1966; amended March 22, 1996.)

69-3-5. (Authorized by and implementing K.S.A. 65-1903; effective Jan. 1, 1966; amended May 1, 1981; revoked March 22, 1996.)

69-3-6. Instructor limitation. A licensed instructor shall not provide cosmetology services to the patrons of the school where the instructor is employed for the profit of the school or instructor. (Authorized by and implementing K.S.A. 65-1903, as amended by L. 1995, Ch. 119, Sec. 3; effective Jan. 1, 1966; amended May 1, 1981; amended, T-85-44, Dec. 19, 1984; amended May 1, 1985; amended March 22, 1996.)

69-3-7. Student records. (a) Each school shall maintain a daily student record which verifies attendance and practice services completed, and a final student record which verifies curriculum requirements and hours successfully completed by the student.

(b) The school shall maintain the student's record in the school, on a form approved by the board for a reasonable period of time.

(c) Subject to any contract between the school and the student, a licensed school shall provide a copy of the student's record to:

(1) the board upon application by a student for a license or as part of an investigation;

(2) another school upon the student's transfer; or

(3) the student upon request. (Authorized by and implementing K.S.A. 65-1903, as amended by L. 1995, Ch. 119, Sec. 3; effective Jan. 1, 1966; amended May 1, 1981; amended March 22, 1996.)

69-3-8. Curriculum and credits. (a) The curriculum requirements entitled "Cosmetology School Course Curriculums," as in effect on June 1, 1996, is adopted by reference.

(b) Among other teaching tools used to provide a course of training, a school shall use a textbook which substantially covers the curriculum areas.

(c) A person who has completed a course of manicuring training may receive 180 clock hours credit in manicuring which may apply toward completion of a course of cosmetology training.

(d) A person who has completed a course in esthetics training may receive 150 clock hours credit in facials and make-up which may apply toward completion of a course of cosmetology training. (Authorized by and implementing K.S.A. 65-1907 and 65-1903, as amended by L. 1995, Ch. 120, Sec. 3; effective Jan. 1, 1966; amended, E-67-9, June 16, 1967; amended, E-69-19, Aug. 26, 1969; amended, E-70-12, Jan. 1, 1970; amended Jan. 1, 1971; amended May 1, 1981; amended May 1, 1982; amended, T-85-44, Dec. 19, 1984; amended May 1, 1985; amended June 7, 1996.)

69-3-9. Student services sign. Each school shall display a sign visible in the clinic practice area of the school stating that "ALL SERVICES IN THIS SCHOOL ARE PERFORMED BY STUDENTS." (Authorized by and implementing K.S.A. 65-1903, as amended by L. 1995, Ch. 120, Sec. 3; effective Jan. 1, 1966; amended March 22, 1996.)

69-3-10. (Authorized by and implementing K.S.A. 65-1905; effective Jan. 1, 1966; amended Jan. 1, 1973; amended May 1, 1981; revoked March 22, 1996.)

69-3-11. (Authorized by and implementing K.S.A. 65-1903; effective Jan. 1, 1966; amended May 1, 1981; amended Dec. 28, 1992; revoked March 22, 1996.)

69-3-12 to 69-3-16. (Authorized by K.S.A. 65-1903; effective Jan. 1, 1966; revoked May 1, 1981.)

69-3-17. (Authorized by K.S.A. 1970 Supp. 65-1903; effective Jan. 1, 1966; amended, E-70-24, July 1, 1970; amended Jan. 1, 1971; revoked March 22, 1996.)

69-3-18. (Authorized by K.S.A. 65-1903; effective Jan. 1, 1966; revoked May 1, 1982.)

69-3-19. (Authorized by and implementing K.S.A. 65-1903; effective Jan. 1, 1966; amended May 1, 1981; revoked March 22, 1996.)

69-3-20 and 69-3-21. (Authorized by K.S.A. 65-1903; effective Jan. 1, 1966; revoked May 1, 1981.)

69-3-22. (Authorized by K.S.A. 1965 Supp. 65-1903; effective Jan. 1, 1966; revoked March 22, 1996.)

69-3-23. (Authorized by and implementing K.S.A. 65-1903; as amended by L. 1987, Ch. 238, Sec. 3; effective, T-88-60, Dec. 28, 1987; effective May 1, 1988; revoked March 22, 1996.)

69-3-24. (Authorized by and implementing K.S.A. 65-1903; as amended by L. 1987, Ch. 238, Sec. 3; effective, T-88-60, Dec. 28, 1987; effective May 1, 1988; revoked March 22, 1996.)

69-3-25. (Authorized by and implementing K.S.A. 65-1903; as amended by L. 1987, Ch. 238, Sec. 3; effective, T-88-60, Dec. 28, 1987; effective May 1, 1988; revoked March 22, 1996.)

69-3-26. Transfer students. (a) Within 30 days after enrollment of a transfer student, a school shall obtain verification of the student's prior course of training including subjects, the number of hours, and practice services completed by the student.

(b) A school shall obtain verification on a form approved and provided by the board from the state board or school in the state or jurisdiction where the transfer student completed the training.

(c) The school shall determine the subjects, hours and practice services of the transfer student's prior course of training which conforms to the curriculum requirements in K.A.R. 69-3-8 and shall give the students credit for those subjects, hours and practice services. (Authorized by and implementing K.S.A. 65-1903; as amended by L. 1995, Ch. 20, Sec. 3; effective March 22, 1996.)

69-3-27. Dropped students. On or before the 5th of each month, each school shall submit,

to the board, a list of students who have dropped from any of the school's programs in the previous month. The list shall include the following: (a) The student's name;

(b) the apprentice license number;

(c) the student's date of birth; and

(d) the student's social security number. (Authorized by and implementing K.S.A. 65-1903, as amended by L. 1995, Ch. 20, Sec. 3; effective March 22, 1996.)

69-3-28. Enrollment agreement and refund policy. (a) Within 45 days after the effective date of this regulation, each licensed school of cosmetology, esthetics, electrology or manicuring shall submit to the board a copy of its enrollment agreement between the school and the student including the refund policy and the rules and regulations of the school.

(b) The licensee shall submit to the board any modification to these agreements within 30 days after the modification. (Authorized by and implementing K.S.A. 65-1903, as amended by L. 1995, Ch. 120, Sec. 3; effective March 22, 1996.)

Article 4.—STUDENTS

69-4-1. (Authorized by K.S.A. 65-1902, 65-1903, 65-1905; effective Jan. 1, 1966; amended, E-70-24, July 1, 1970; amended Jan. 1, 1971; revoked May 1, 1981.)

69-4-2. Student equipment and uniform. A school shall ensure that each student has a uniform and the equipment needed to complete the course of training for which the student is enrolled. A school may provide the equipment and uniform at its own expense or at the student's expense. (Authorized by and implementing K.S.A. 65-1903, as amended by L. 1995, Ch. 20, Sec. 3; effective Jan. 1, 1966; amended May 1, 1981; amended, T-85-44, Dec. 19, 1984; amended May 1, 1985; amended March 22, 1996.)

69-4-3. (Authorized by K.S.A. 65-1903; effective Jan. 1, 1966; revoked May 1, 1981.)

69-4-4. (Authorized by K.S.A. 1970 Supp. 65-1903; effective Jan. 1, 1966; revoked, E-70-12, Jan. 1, 1970; revoked Jan. 1, 1971.)

69-4-5. (Authorized by K.S.A. 65-1903; effective Jan. 1, 1966; revoked May 1, 1982.)

69-4-6. (Authorized by and implementing

K.S.A. 65-1903; effective Jan. 1, 1966; amended May 1, 1981; revoked March 22, 1996.)

69-4-7. (Authorized by K.S.A. 65-1903; effective Jan. 1, 1966; revoked May 1, 1981.)

69-4-8. (Authorized by K.S.A. 65-1903; effective Jan. 1, 1966; amended, E-70-12, Jan. 1, 1970; amended Jan. 1, 1971; revoked May 1, 1982.)

69-4-9. Students; requirements for working on public. (a) A cosmetology student shall not work on the public until the student has completed 320 hours of training.

(b) A manicuring student shall not work on the public until the student has completed 70 hours of training.

(c) An esthetics student shall not work on the public until the student has completed 130 hours of training.

(d) An electrology student shall not work on the public until the student has completed 100 hours of training. (Authorized by and implementing K.S.A. 65-1903, as amended by L. 1995, Ch. 20, Sec. 3; effective Jan. 1, 1966; amended, E-70-12, Jan. 1, 1970; amended Jan. 1, 1971; amended May 1, 1981; amended March 22, 1996.)

69-4-10. (Authorized by K.S.A. 65-1903; effective Jan. 1, 1966; revoked May 1, 1981.)

69-4-11. (Authorized by and implementing K.S.A. 65-1903; effective Jan. 1, 1966; amended May 1, 1981; revoked March 22, 1996.)

69-4-12. Additional training license required to remain in school. Any student who wishes to practice as an apprentice for more than the minimum training period, may make application and pay the fee for an additional training license. (Authorized by and implementing K.S.A. 65-1903, as amended by L. 1995, Ch. 20, Sec. 3; effective Jan. 1, 1966; amended, E-70-12, Jan. 1, 1970; amended Jan. 1, 1971; amended, E-76-44, Sept. 5, 1975; amended Feb. 15, 1977; amended March 22, 1996.)

69-4-13. (Authorized by and implementing K.S.A. 65-1903; effective Jan. 1, 1966; amended, E-70-24, July 1, 1970; amended Jan. 1, 1971; amended May 1, 1981; revoked May 1, 1982.)

Article 5.—SHOP APPRENTICES

69-5-1. (Authorized by K.S.A. 65-1902, 65-1905; effective Jan. 1, 1966; revoked May 1, 1981.)

69-5-2. (Authorized by and implementing K.S.A. 65-1905; effective Jan. 1, 1966; amended May 1, 1981; revoked March 22, 1996.)

69-5-3. (Authorized by K.S.A. 65-1902; effective Jan. 1, 1966; amended, E-70-24, July 1, 1970; amended Jan. 1, 1971; revoked May 1, 1981.)

69-5-4. (Authorized by K.S.A. 65-1903; effective Jan. 1, 1966; revoked May 1, 1981.)

69-5-5. (Authorized by K.S.A. 65-1907; effective Jan. 1, 1966; revoked May 1, 1981.)

69-5-6. Curriculum and practical requirements. (a) An electrology shop apprentice:

(1) shall be under the direct supervision of the instructor at all times; and

(2) shall not work on the public until completion of 200 hours of instruction and training.

(b) An electrology shop instructor shall instruct and train the student apprentice in compliance with the curriculum requirements of K.A.R. 69-3-8 (a)(4).

(c) An electrology shop instructor shall have available the following:

(1) charts showing the muscles, nerves and circulatory systems of the face, head and neck and the hair shaft, follicle, root and other relevant components of hair;

(2) one F.C.C. approved electrolysis machine;

(3) an operator stool; and

(4) a magnifying lamp. (Authorized by K.S.A. 74-2702a, as amended by L. 1995, Ch. 119, Sec. 3; implementing K.S.A. 65-1912, as amended by L. 1995, Ch. 120, Sec. 6; effective Jan. 1, 1966; amended May 1, 1981; amended March 22, 1996.)

69-5-7. (Authorized by K.S.A. 65-1902; effective Jan. 1, 1966; revoked May 1, 1981.)

69-5-8 and 69-5-9. (Authorized by K.S.A. 65-1903; effective Jan. 1, 1966; revoked May 1, 1981.)

69-5-10. (Authorized by K.S.A. 65-1902; effective Jan. 1, 1966; revoked March 22, 1996.)

69-5-11 and 69-5-12. (Authorized by K.S.A. 65-1902; effective Jan. 1, 1966; revoked May 1, 1981.)

69-5-13. (Authorized by K.S.A. 65-1902; effective Jan. 1, 1966; revoked March 22, 1996.)

69-5-14. Application procedure. An ap-

plicant for a license to instruct electrology in a shop shall submit the following to the board at least 10 days before beginning instruction and training: (a) A written application upon a form approved and furnished by the board;

(b) a curriculum which demonstrates compliance with K.A.R. 69-3-8(a)(4);

(c) a daily class schedule for a full-time or a part-time student; and

(d) an inventory of all instructional equipment to be provided and used in the instruction and training. (Authorized by K.S.A. 65-1907; implementing K.S.A. 65-1903 and 65-1907, as amended by L. 1995, Ch. 120, Sec. 3; effective March 22, 1996.)

69-5-15. Student records. (a) Each electrology shop instructor shall maintain the following:

(1) a daily student record which verifies attendance and practice services completed; and

(2) a final student record which verifies curriculum requirements and hours successfully completed by the student.

(b) The instructor shall maintain the student record for a reasonable period of time, on a form approved by the board.

(c) Subject to any contract between the instructor and the student, the instructor shall provide a copy of the student's record to:

(1) the board upon the student's application for a license or as part of an investigation;

(2) a school or another electrology shop instructor upon the student's transfer; or

(3) the student upon request. (Authorized by K.S.A. 65-1907; implementing K.S.A. 65-1903, as amended by L. 1995, Ch. 120, Sec. 3; 65-1907; effective March 22, 1996.)

69-5-16. Identification of student. An electrology shop student apprentice shall wear identification which clearly indicates to the public that the person is in electrology training. (Authorized by K.S.A. 74-2702a, as amended by L. 1995, Ch. 119, Sec. 3; implementing K.S.A. 65-1903, as amended by L. 1995, Ch. 120, Sec. 3; effective March 22, 1996.)

Article 6.—BEAUTY SHOPS

69-6-1. (Authorized by K.S.A. 65-1906; effective Jan. 1, 1966; amended May 1, 1978; revoked March 22, 1996.)

69-6-2. Sale or change of ownership. An

establishment license shall be valid only for the premise named in the license. A licensee shall notify the board, in writing, within 15 days of a sale or other change of ownership of the establishment. Upon a sale or other change of ownership of an establishment, the establishment license shall be transferred to the new owner or owners, without inspection, upon payment of a transfer fee. (Authorized by K.S.A. 74-2702a, as amended by L. 1995, Ch. 19, Sec. 3; implementing K.S.A. 65-1904a; effective Jan. 1, 1966; amended May 1, 1978; amended March 22, 1996.)

69-6-3. Care of invalids. A cosmetologist, apprentice or manicurist license shall be used only in a licensed beauty shop except that a licensed cosmetologist may perform cosmetology service in a licensed hospital, nursing home, rest home or at an invalid's home. (Authorized by K.S.A. 1977 Supp. 65-1904a; effective Jan. 1, 1966; amended May 1, 1978.)

69-6-4. (Authorized by K.S.A. 1977 Supp. 65-1904a; effective Jan. 1, 1966; revoked May 1, 1978.)

69-6-5. Display of sign. Each establishment shall display a sign, conspicuously posted as provided by the board, stating that any complaints concerning the establishment or its practitioners may be directed to the board. The sign shall include the current address and phone number of the board. (Authorized by K.S.A. 74-2702a, as amended by L. 1995, Ch. 119, Sec. 3; implementing K.S.A. 65-1903; as amended by L. 1995, Ch. 20, Sec. 3; and 65-1904a; effective Jan. 1, 1966; amended Dec. 28, 1992; amended March 22, 1996.)

69-6-6. (Authorized by K.S.A. 1977 Supp. 65-1903; effective Jan. 1, 1966; amended May 1, 1978; revoked March 22, 1996.)

69-6-7. Establishment closing. When any establishment is permanently closed, the holder of the establishment license shall notify the board in writing, and surrender the establishment license within 10 days of closing. (Authorized by K.S.A. 74-2702a, as amended by L. 1995, Ch. 19, Sec. 3; implementing K.S.A. 65-1904a; effective Jan. 1, 1966; amended March 22, 1996.)

Article 7.—SANITARY RULES; BEAUTY SHOPS AND BEAUTY SCHOOLS

69-7-1. (Authorized by K.S.A. 65-1908; effective Jan. 1, 1966; amended Jan. 1, 1973; revoked Jan. 4, 1993.)

69-7-2. (Authorized by K.S.A. 1977 Supp. 65-1904a; effective Jan. 1, 1966; amended May 1, 1978; revoked Jan. 4, 1993.)

69-7-3. (Authorized by K.S.A. 65-1904a; effective Jan. 1, 1966; revoked Jan. 4, 1993.)

69-7-4. (Authorized by K.S.A. 65-1904a; effective Jan. 1, 1966; revoked Jan. 4, 1993.)

69-7-5. (Authorized by K.S.A. 1977 Supp. 65-1904a; effective Jan. 1, 1966; amended May 1, 1978; revoked Jan. 4, 1993.)

69-7-6. (Authorized by K.S.A. 1977 Supp. 65-1904a; effective Jan. 1, 1966; revoked May 1, 1978.)

69-7-7. (Authorized by K.S.A. 1977 Supp. 65-1904a; effective Jan. 1, 1966; amended, E-70-12, Jan. 1, 1970; amended Jan. 1, 1971; amended May 1, 1978; revoked Jan. 4, 1993.)

69-7-8 to 69-7-13. (Authorized by K.S.A. 1977 Supp. 65-1904a; effective Jan. 1, 1966; revoked May 1, 1978.)

69-7-14. (Authorized by K.S.A. 1977 Supp. 65-1904a; effective Jan. 1, 1966; amended May 1, 1978; revoked Jan. 4, 1993.)

69-7-15. (Authorized by K.S.A. 1977 Supp. 65-1904a; effective Jan. 1, 1966; revoked May 1, 1978.)

69-7-16. (Authorized by K.S.A. 1977 Supp. 65-1904a; effective Jan. 1, 1966; amended May 1, 1978; revoked Jan. 4, 1993.)

69-7-17 to 69-7-21. (Authorized by K.S.A. 1977 Supp. 65-1904a; effective Jan. 1, 1966; revoked May 1, 1978.)

69-7-22. (Authorized by K.S.A. 65-1904a; effective Jan. 1, 1966; revoked Jan. 4, 1993.)

69-7-23. (Authorized by K.S.A. 1977 Supp. 65-1904a; effective Jan. 1, 1966; amended May 1, 1978; revoked Jan. 4, 1993.)

69-7-24. (Authorized by K.S.A. 65-1904a; effective Jan. 1, 1966; amended May 1, 1978; revoked May 1, 1981.)

69-7-25. (Authorized by K.S.A. 1977 Supp. 65-1904a; effective Jan. 1, 1966; amended May 1, 1978; revoked Jan. 4, 1993.)

69-7-26. (Authorized by K.S.A. 65-1904a; effective Jan. 1, 1966; revoked Jan. 4, 1993.)

69-7-27. (Authorized by K.S.A. 1977 Supp. 65-1904a; effective Jan. 1, 1966; amended May 1, 1978; revoked Jan. 4, 1993.)

69-7-28 and 69-7-29. (Authorized by K.S.A. 1977 Supp. 65-1904a; effective Jan. 1, 1966; revoked May 1, 1978.)

Article 8.—REGISTRATION OF MANICURISTS

69-8-1. (Authorized by K.S.A. 65-1903, 65-1905; effective Jan. 1, 1966; amended, E-70-24, July 1, 1970; amended Jan. 1, 1971; revoked May 1, 1981.)

69-8-2. (Authorized by and implementing K.S.A. 1984 Supp. 65-1905; effective Jan. 1, 1966; amended, T-85-44, Dec. 19, 1984; amended May 1, 1985; revoked March 22, 1996.)

69-8-3. (Authorized by K.S.A. 1965 Supp. 65-1903, 65-1905; effective Jan. 1, 1966; revoked March 22, 1996.)

69-8-4. (Authorized by K.S.A. 1965 Supp. 65-1905; effective Jan. 1, 1966; revoked March 22, 1996.)

69-8-5. (Authorized by K.S.A. 65-1905; effective Jan. 1, 1966; revoked May 1, 1981.)

69-8-6. (Authorized by and implementing K.S.A. 65-1903, 65-1905; effective Jan. 1, 1966; amended, E-70-24-2, July 1, 1970; amended Jan. 1, 1971; amended May 1, 1981; revoked March 22, 1996.)

Article 9.—REVOCATION; CERTIFICATES OF REGISTRATION AND LICENSES

69-9-1. (Authorized by K.S.A. 65-1909; effective Jan. 1, 1966; revoked May 1, 1981.)

69-9-2 to 69-9-4. (Authorized by K.S.A. 65-1903; effective Jan. 1, 1966; amended, E-70-24, July 1, 1970; amended Jan. 1, 1971; revoked May 1, 1981.)

Article 10.—REGISTRATION OF COSMETOLOGY TECHNICIANS

69-10-1. (Authorized by K.S.A. 65-1902, 65-1903; effective Jan. 1, 1973; revoked May 1, 1981.)

Article 11.—FEES

69-11-1. Fees. The following fees shall be charged:

Cosmetologist examination fee	\$50.00
Cosmetologist license application fee	45.00
Cosmetologist license renewal fee	45.00
Delinquent cosmetologist renewal fee	25.00
Cosmetology technician license renewal fee	35.00
Delinquent cosmetology technician renewal fee ..	25.00
Electrologist examination fee	50.00
Electrologist license application fee	35.00
Electrologist license renewal fee	35.00
Delinquent electrologist renewal fee	25.00
Manicurist examination fee	50.00
Manicurist license application fee	30.00
Manicurist license renewal fee	30.00
Delinquent manicurist renewal fee	25.00
Esthetician examination fee	50.00
Esthetician license application fee	30.00
Esthetician license renewal fee	30.00
Delinquent esthetician renewal fee	25.00
Instructor examination fee	75.00
Instructor license application fee	75.00
Instructor license renewal fee	50.00
Delinquent instructor renewal fee	75.00
Any apprentice license application fee	15.00
New school license application fee	150.00
School license renewal fee	75.00
Delinquent school license fee	50.00
New salon or clinic application fee	50.00
Salon or clinic renewal fee	30.00
Delinquent salon or clinic renewal fee	30.00
Reciprocity application fee	50.00
Verification of licensure fee	20.00
Fee for a duplicate of any license	25.00
Temporary permit fee	15.00
Statutes and regulations book	5.00

(Authorized by and implementing K.S.A. 1997 Supp. 65-1904, as amended by L. 1998, ch. 160, sec. 4; effective, E-76-44, Sept. 5, 1975; effective Feb. 15, 1977; amended May 1, 1978; amended May 1, 1981; amended May 1, 1982; amended, T-83-21, July 21, 1982; amended May 1, 1983; amended May 1, 1984; amended, T-88-60, Dec. 28, 1987; amended May 1, 1988; amended Jan. 1, 1993; amended Dec. 13, 1993; amended March 22, 1996; amended Nov. 6, 1998.)

69-11-2. Expiration dates for licenses.

(a) Each individual license, with the exception of the senior cosmetology license, shall expire on the last day of the licensee's birth month in:

(1) Even years for licensees with an even numbered birth year; or

(2) odd years for licensees with an odd numbered birth year.

(b) A senior cosmetology license shall expire on the last day of the licensee's birth month, three

years after the license has been issued. (Authorized by and implementing K.S.A. 65-1904, as amended by L. 1995, Ch. 248, Sec. 1; effective, T-83-21, July 21, 1982; effective May 1, 1983; amended March 22, 1996.)

Article 12.—TANNING FACILITIES

69-12-1. Definitions. (a) “FDA” means the United States food and drug administration.

(b) “Consumer” means any member of the public who is provided access to a tanning facility in exchange for a fee or other compensation, or any individual who, in exchange for a fee or other compensation, is afforded use of a tanning facility as a condition or benefit of membership or access.

(c) “Tanning device operator” means an individual who controls operation of the tanning device and instructs and assists the consumer in the proper operation of the tanning device.

(d) “Tanning facility operator” means the person who is licensed to operate a tanning facility.

(f) “Person” means an individual, association, corporation or other legal entity. (Authorized by and implementing K.S.A. 65-1925; effective Dec. 13, 1993.)

69-12-2. Licenses. (a) Prior to operating a tanning facility, a person shall make application, on forms provided by the board, to the Kansas state board of cosmetology for a tanning facility license. The application shall be accompanied by the applicable tanning facility license fee.

(b) Prior to the issuance of a tanning facility license, the tanning facility and tanning devices shall be inspected by an authorized agent of the board for compliance with article 12 and K.S.A. 65-1920 *et seq.*, and amendments thereto. (Authorized by K.S.A. 65-1925 and implementing K.S.A. 65-1926; effective Dec. 13, 1993.)

69-12-3. Expiration of licenses and renewals. (a) All licenses shall expire on December 31 of each year.

(1) Application to renew a license shall be made 30 days prior to the expiration date.

(2) Application for renewal of a tanning facility license shall be made on forms approved by the board and shall be accompanied by the applicable renewal fee.

(b) A tanning facility operator may renew the tanning facility license within 59 days of the expiration date of the license by submitting a renewal fee and a delinquent renewal fee.

(c) A tanning facility operator may reinstate a tanning facility license after 60 days of the expiration date of the license and up to December 31 of that year by submitting a reinstatement fee. (Authorized by K.S.A. 65-1925; implementing K.S.A. 65-1926; effective Dec. 13, 1993.)

69-12-4. Licenses on closed facilities returned to board. When a tanning facility is permanently closed, the tanning facility operator shall immediately mail the tanning facility license to the Kansas state board of cosmetology. (Authorized by K.S.A. 65-1925 and implementing K.S.A. 65-1926; effective Dec. 13, 1993.)

69-12-5. Fees.

New tanning facility license fee	\$100.00
Tanning facility license renewal fee	\$100.00
Delinquent renewal fee	\$150.00
Reinstatement fee	\$200.00

(Authorized by and implementing K.S.A. 65-1926; effective Dec. 13, 1993.)

69-12-6. (Authorized by and implementing K.S.A. 65-1925; effective Dec. 13, 1993; revoked Oct. 5, 2007.)

69-12-7. Tanning device operators. (a) A tanning device operator shall be present when a tanning device is operated.

(b) A tanning facility operator shall maintain verification of training for each tanning device operator. Training shall include knowledge in the following areas:

- (1) the requirements of these regulations;
- (2) procedures for correct operation of the facility;
- (3) recognition of injury or overexposure;
- (4) manufacturer’s procedures for operation and maintenance of tanning equipment; and
- (5) emergency procedures in case of injury.

(c) A tanning facility operator shall maintain a list of tanning device operators, trained in accordance with this section, which shall be available at the tanning facility. (Authorized by K.S.A. 65-1925 and implementing K.S.A. 65-1924; effective Dec. 13, 1993.)

69-12-8. Warnings. (a) The tanning facility operator shall post warning signs as specified in subsections (a) and (b) of K.S.A. 65-1922.

(b) The tanning facility operator shall have available for inspection, written warning statements that are in compliance with K.S.A. 65-1921. The tanning device operator shall read the re-

quired information to any illiterate or visually handicapped consumer, in the presence of a witness. (Authorized by K.S.A. 65-1925; implementing K.S.A. 65-1921 and K.S.A. 65-1922; effective Dec. 13, 1993.)

69-12-9. Report of injuries. (a) The tanning facility operator shall forward to the board of cosmetology, a written report of any injury, within five working days of its occurrence or knowledge thereof. The report shall include:

- (1) the name of the affected individual;
- (2) the name and location of the tanning facility involved;
- (3) the nature of the injury; and
- (4) any other information considered relevant to the situation. (Authorized by and implementing K.S.A. 65-1925; effective Dec. 13, 1993.)

69-12-10. Exposure schedule. (a) The recommended exposure schedule for each tanning device shall be displayed in a conspicuous place near the device.

(b) The tanning device operator shall ensure that consumers do not exceed the tan time indicated by the manufacturer. (Authorized by K.S.A. 65-1925 and implementing K.S.A. 65-1924; effective Dec. 13, 1993.)

69-12-11. Timer. Each tanning device shall have a timer which complies with the requirements of 21 CFR Part 1040, Section 1040.20 (c)(2) as in effect on September 6, 1985. The maximum timer interval shall not exceed the manufacturer's maximum recommended exposure time. No timer interval shall have an error greater than $\pm 10\%$ of the maximum timer interval for the product. (Authorized by K.S.A. 65-1925 and implementing K.S.A. 65-1924; effective Dec. 13, 1993.)

69-12-12. Control device. Each tanning device shall have a control that allows the consumer to turn off the device at any time. (Authorized by and implementing K.S.A. 65-1925; effective Dec. 13, 1993.)

69-12-13. (Authorized by K.S.A. 65-1925 and implementing 65-1924; effective Dec. 13, 1993; revoked Oct. 5, 2007.)

69-12-14. Protective barriers. There shall be physical barriers to protect consumers from injury induced by touching or breaking the lamps. (Authorized by and implementing K.S.A. 65-1925; effective Dec. 13, 1993.)

69-12-15. Stand-up booths. (a) For stand-up booths, there shall be physical barriers or other means such as handrails or floor markings to indicate the proper exposure distance between ultraviolet lamps and the consumer's skin.

(b) The construction of each booth shall be such that it will withstand the stress of use and the impact of a falling person.

(c) The entrance to each booth shall be of rigid construction. Doors shall open outwardly. Handrails and non-slip floors shall be provided. (Authorized by and implementing K.S.A. 65-1925; effective Dec. 13, 1993.)

69-12-16. Lamps. (a) Each tanning facility shall use only tanning devices manufactured in accordance with the specifications set forth in 21 CFR Part 1040, Section 1040.20, as in effect on September 6, 1985, "Sunlamp products and ultraviolet lamps intended for use in sunlamp products."

(b) Each sunlamp product or ultraviolet lamp used in these facilities shall not emit any measurable *Ultraviolet C* radiation.

(c) Each ultraviolet lamp contained within the sunlamp product shall be shielded to avoid contact with the consumer.

(d) Services and repair shall be carried out by a competent person in accordance with the information supplied with the device.

(e) Defective or burned out tanning lamps or bulbs shall be replaced with a type intended for use in that device and shall be of the same ultraviolet range, A or B, as the manufacturer specifies, and shall be the original lamp type as specified by the manufacturer, or an equivalent lamp approved by the FDA. (Authorized by and implementing K.S.A. 65-1925; effective Dec. 13, 1993.)

69-12-17. Enforcement. (a) A tanning facility operator shall be responsible for implementing and maintaining the tanning facility and tanning device in compliance with all applicable regulations and statutes both individually and jointly with all tanning device operators employed by or working in the tanning facility.

(b) Refusal to permit, or interference with, an inspection by an authorized representative of the board of cosmetology during any time the facility is operating shall constitute cause for the board to revoke, cancel, suspend, or place the license on probation. (Authorized by and implementing K.S.A. 65-1925; effective Dec. 13, 1993.)

Article 13.—INSPECTIONS

69-13-1. Definitions. (a) “Board” means the Kansas state board of cosmetology.

(b) “Act” means Article 19 of Chapter 65 of the “Kansas Statutes Annotated,” entitled “Examination and Registration of Cosmetologists and Beauty Shops.”

(c) “Establishment” means any place where cosmetology, manicuring, esthetics or electrology is taught or practiced. (Authorized by and implementing K.S.A. 74-2702a, as amended by L. 1995, Ch. 119, Sec. 3; effective Jan. 17, 1995; amended March 22, 1996.)

69-13-2. Inspections of establishments.

(a) Each establishment shall be subject to routine inspections, by the board or designated agents or employees of the board, to determine compliance with the act and all sanitary rules and regulations, at least once every two years.

(b) An establishment may be subject to additional inspections if the establishment:

- (1) Had a violation in a previous inspection;
- (2) changed ownership in the previous year; or
- (3) did not timely renew the license.

(c) Inspections shall be made between the hours of 8:00 a.m. and 6:00 p.m., or anytime the instruction or practice of cosmetology, manicuring, or electrology is being conducted, unless otherwise agreed by all interested persons or entities.

(d) Inspections shall be made by board members, the executive director, employees, representatives or agents of the board.

(e) Inspections of establishments may be authorized by the board or its executive director.

(f) The authorized inspection may be conducted without notice to the licensee. (Authorized by K.S.A. 65-1907, as amended by L. 1995, Ch. 120, Sec. 5; implementing K.S.A. 65-1907, as amended by L. 1995, Ch. 20, Sec. 5; and K.S.A. 74-2702; effective Jan. 17, 1995; amended March 22, 1996.)

69-13-3. Inspection generated by a complaint.

(a) Each establishment shall be subject to inspection by the board or its designee, to investigate a specific complaint filed with the board, for violation of sanitary rules and regulations or other violations of the act.

(b) Any inspection generated by a complaint may be authorized by the board or its executive director at any time, but shall be limited as follows.

(1) Inspections shall be made only between the hours of 8:00 a.m. and 6:00 p.m. or anytime the practice or instruction of cosmetology, manicuring, or electrology is being conducted, unless agreed by all interested persons or entities.

(2) Inspections may be conducted by board members, the executive director of the board, or employees of the board. (Authorized by K.S.A. 65-1907; implementing K.S.A. 65-1907 and K.S.A. 74-2702; effective Jan. 17, 1995.)

Article 14.—CONTINUING EDUCATION FOR COSMETOLOGISTS AND OTHER LICENSEES

69-14-1. Definitions. (a) “Approval” means the act of determining that an application to be a cosmetology continuing education provider meets applicable standards based on review of the total program proposed by the applying provider.

(b) “Approved provider” means a person, organization, or institution approved by the board, that is responsible for the development, administration and presentation of the offering.

(c) “Certificate” means a document which is proof of completion of one or more contact hours.

(d) “Contact hour” means 50 minutes of participation in a learning experience organized by an approved provider.

(e) “Cosmetology continuing education” (CCE) means an organized and systematic education experience beyond that basic preparation which is designed to increase knowledge, improve skills or enhance the practice of cosmetology or improve protection of the public health and welfare. CCE shall not include any of the following:

- (1) In-service education;
- (2) on-the-job training;
- (3) job orientation; or
- (4) education designed for the general public.

(f) “Dual licensee” means a person who is licensed in two or more professions regulated by the state board of cosmetology.

(g) “Independent study” means CCE designed for individual study and monitored by an approved provider.

(h) “Inservice education and on-the-job training” means planned learning activities in the work setting designed to assist the individual in fulfilling job responsibilities.

(i) “Instructor credit” means contact hours awarded to the individual who prepares and presents the CCE by an approved provider. A 50

minute presentation shall equal two contact hours of instructor credit.

(j) "Offering" means a single CCE learning experience which consists of at least one contact hour.

(k) "Orientation" means formal or informal instruction designed to acquaint new employees with the salon, school, or the position.

(l) "Partial credit" means the actual number of contact hours awarded by an approved provider when an individual attends only part of a CCE offering.

(m) "Program" means an organized effort to achieve overall continuing education goals. (Authorized by and implementing K.S.A. 1995 Supp. 65-1904; effective July 5, 1996.)

69-14-2. License renewal. (a) Each individual renewing an active license shall register with the board's designee and pay to the designee the fee required in K.A.R. 69-14-5.

(b)(1) Each licensee shall complete the required 20 contact hours of approved CCE during the 2 years ending on the date on which the license expires.

(2) Each licensee whose license has expired shall complete the required 20 contact hours of approved CCE during the 2 years ending on the date of renewal.

(c) Each licensee shall complete as a part of the requirement of K.A.R. 69-14-2(b) at least five contact hours which are devoted to the following during each licensing period:

- (1) Chemical control;
- (2) public safety;
- (3) product safety; or
- (4) infection control.

(d) A licensee shall not be granted credit for attendance at identical offerings within one renewal period.

(e) For the purpose of accumulating required contact hours for licensure renewal, a licensee may:

(1) Acquire five contact hours of CCE from independent study; or

(2) request that all or part of the required 20 hours of CCE for license renewal be completed through independent study if:

(A) The individual resides in a foreign country for the entire two-year renewal period; or

(B) the individual demonstrates a need due to extenuating circumstances.

(f) An individual may accumulate 10 contact

hours of the required CCE from instructor credit. Each presenter shall receive instructor credit only once for preparation and presentation of any particular offering. (Authorized by and implementing K.S.A. 1995 Supp. 65-1904; effective July 5, 1996.)

69-14-3. Approval of cosmetology continuing education. (a) Offerings of approved providers shall be recognized by the board.

(b) At least 60 days before the next regularly scheduled board meeting, a CCE provider applicant shall submit an application, on forms supplied by the board and accompanied by the designated, non-refundable fee, for approval to present CCE offerings.

(c) The application shall include a syllabus of up to two proposed offerings.

(d) To qualify as an "approved provider" in one or more areas governed by the board, the CCE provider shall offer programs which meet the following standards:

(1) The program shall constitute an organized systematic program of CCE as defined in K.A.R. 69-14-1(e);

(2) the program shall be presented by individuals who are qualified by reason of education or experience in the field being taught;

(3) the program shall be accompanied by a written outline which substantially describes the substance of the program; and

(4) the CCE provider shall provide documentation of completion to each individual participant in the program who completes the program and shall provide the names and license numbers of the attendees to the continuing education tracking designee of the board.

(e) Each approved provider shall submit an annual report and fee before June 30 of each year. The annual report shall contain the following:

(1) A statistical summary report indicating the following:

- (A) The name of each offering conducted;
- (B) the date and location of the offering;
- (C) the number of licensees in attendance; and
- (D) the number of contact hours of each offering; and

(2) a syllabus from at least one offering.

(f) Each approved provider shall prominently display on all promotional material this statement: "(Name of provider) is approved as a provider of cosmetology continuing education by the Kansas State Board of Cosmetology. This course offering

is approved for (number) contact hours applicable for re-licensure. Kansas State Board of Cosmetology Approved Provider Number: ____.” The approved provider shall identify any independent study.

(g) Each participant shall sign a roster at the completion of each CCE offering.

(h) An approved provider may award partial credit to a CCE participant, but not less than one contact hour.

(i) The approved provider shall award certificates of attendance to participants after completion of each CCE offering. Each certificate shall contain the following information:

- (1) The provider's name, address and provider number;
- (2) the title of the course;
- (3) the date or dates of attendance;
- (4) the number of CCE contact hours awarded;
- (5) the name of the presenter of the CCE offering;
- (6) the name and license number of the participant; and
- (7) clear identification of any independent study or instructor contact hours awarded.

(j) Each approved provider shall maintain a list of individuals who have satisfactorily completed a CCE offering. Each approved provider shall supply a true and correct copy of the list to the board's CCE tracking designee. The list shall contain the following information:

- (1) The provider's name, address and provider number;
- (2) the title of the course;
- (3) the date of attendance;
- (4) an alphabetized list of names, license numbers and the number of CCE contact hours awarded to each licensee in attendance;
- (5) the name of the presenter for the CCE; and
- (6) identification of any independent study or instructor credit, if applicable. (Authorized by and implementing K.S.A. 1995 Supp. 65-1904; effective July 5, 1996.)

69-14-4. Dual licensees. A dual licensee shall earn at least 20 contact hours per renewal period. If the licensee is licensed as an instructor, then the contact hours shall be related to the teaching of the practice of cosmetology, manicuring, esthetics, or electrology. (Authorized by and implementing K.S.A. 1995 Supp. 65-1904; effective July 5, 1996.)

69-14-5. Fees. The following fees shall be paid by the individual or organization to whom applicable:

- (a) CCE program application (provider approval) \$25.00;
 - (b) CCE program approval fee (annual) 25.00; and
 - (c) CCE annual registration fee (individual licensee) 15.00.
- (Authorized by and implementing K.S.A. 1995 Supp. 65-1904; effective July 5, 1996.)

Article 15.—TATTOOING, BODY PIERCING, AND PERMANENT COSMETICS

69-15-1. Definitions. The definitions of terms used in article 15 are as follows. (a) “Antiseptic” means a product used to stop or inhibit the growth of bacteria.

(b) “Clean” means the absence of soil and dirt.

(c) “Closed book” means without aid from or availability of written material.

(d) “Communicable disease or condition” means diseases or conditions diagnosed by a licensed physician as being contagious or transmissible, as defined in K.A.R. 28-1-2.

(e) “Completed procedure” means, for the purposes of determining qualification for licensure, a tattoo that has been finished, including any touchups or additional work following initial healing, and releasing the client from service, as follows.

(1) Figurative tattooing includes outlining and shading a new design on a client, or a different client, using different sizes or configurations of needles.

(2) Cosmetic tattooing includes eyeliner, eyebrows, lip liner, full lip color, repigmentation, or camouflage but does not include beauty marks.

(f) “Demonstration permit” means a license that has been issued to an applicant from another state for a period of time not to exceed 15 days, under which a person may practice in any licensed facility.

(g) “Easily accessible” means having unrestricted use or availability, or easy to approach or enter.

(h) “Enclosed storage area” means a separate room, closet, cupboard, or cabinet.

(i) “Equivalent” means comparable but not identical, and covering the same subject matter.

(j) “Gross incompetence” means a serious lack

of ability, legal qualification, or fitness to perform one's duty effectively.

(k) "High-level disinfectant" means a chemical agent that has demonstrated tuberculocidal activity.

(l) "Instruments" means needles, probes, forceps, hemostats, or tweezers.

(m) "Linens" means cloths or towels used for draping or protecting a table or similar functions.

(n) "Low-level disinfectant" means a chemical agent that has demonstrated bactericidal, germicidal, fungicidal, and limited virucidal activity.

(o) "Needle" means either of the following:

(1) the implement used to insert dyes or pigments into the dermis of the skin during permanent color or tattoo procedures; or

(2) the implement used to pierce or puncture a hole in any part of the human body for the purpose of inserting jewelry or other objects.

(p) "Needle bar" means the metal or plastic device used to attach the needle to a tattoo machine.

(q) "Official transcript" means a document certified by a school on a form approved and prescribed by the department of education or other regulating authority, indicating the hours and types of coursework, examinations, and scores that were completed by a student.

(r) "One year of work experience" means a total of 12 full calendar months, but not necessarily within the same calendar year or consecutively.

(s) "Operator" means the isolated field in which treatment or services are provided.

(t) "Piercing gun" means a hand-held tool manufactured exclusively for piercing the earlobe, into which studs and clutches are placed and inserted into the earlobe by a hand-squeezed or spring-loaded action to create a permanent hole. The tool shall be made of plastic, stainless steel, or other material that is able to be disinfected.

(u) "Place or places of business" means each name, mailing address, and location, not a post office box, where the licensee or applicant for license performs services.

(v) "Premises" means the entire building or structure within which services are performed.

(w) "Probation" means continuation of licensure under special conditions set by the board.

(x) "Protective gloves" means gloves made of vinyl or latex.

(y) "Public view" means open to view and easy for the public to see.

(z) "Reactivate" means to change an expired license to an active license.

(aa) "Reciprocity" means eligibility for licensure based on board approval of a training program that an applicant completed in another state.

(bb) "Renew" means to extend a current license for a year beyond expiration or to bring an inactive license to current, active status.

(cc) "Repigmentation" means recoloration of the skin as a result of the following:

(1) Use of dermabrasion, or chemical peels, or removal or resolution of birthmarks, vitiligo or other skin conditions that result in the loss of melanin to the skin;

(2) Recoloration to scars as a result of surgical procedures, including face-lifts, mole or wart removal, or cauterization;

(3) Recoloration to burn grafts and other skin irregularities resulting from burns or photo damage;

(4) Recreation of an areola or nipple, following mastectomy; or

(5) Use of cheek blush or other blending of pigments into skin in order to camouflage blotchy or irregularly pigmented skin.

(dd) "Sharps" means any object that can penetrate the skin, including needles, scalpel blades, lancets, glass tubes that could be broken during handling, and syringes that have been removed from their original, sterile containers.

(ee) "Sharps container" means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation, and disposal. The container shall be red and shall be labeled with the "Biohazard" symbol.

(ff) "Single use" means products or items that are disposed of after each use, including cotton swabs or balls, tissues or paper products, paper or plastic cups, or gauze and sanitary coverings.

(gg) "Sterilization" means destruction of all forms of microbiotic life, including spores.

(hh) "Under direct supervision of a physician" means employed by and working in the office of a physician, with treatment ordered by and reimbursed to the physician.

(ii) "Universal precautions" means a set of guidelines and controls, published by the center for disease control (CDC) as "guidelines for prevention of transmission of human immunodeficiency virus and hepatitis B virus to health-care and public-safety workers," in morbidity and mortality weekly report (MMWR), June 23, 1989, Vol. 38, No. S-6, and as "recommendations for pre-

venting transmission of human immunodeficiency virus and hepatitis B virus to patients during exposure-prone invasive procedures,” in MMWR, July 12, 1991, Vol. 40, No. RR-8. This method of infection control requires the employer and employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV, and other blood pathogens. Precautions include hand washing, gloving, personal protective equipment, injury prevention, and proper handling and disposal of needles, other sharp instruments, and blood and body fluid contaminated products. (Authorized by K.S.A. 1996 Supp. 74-2702a and 65-1948 and implementing K.S.A. 1996 Supp. 65-1946 and 65-1949; effective Aug. 22, 1997.)

69-15-2. Approved course of study. (a)

(1) To be approved by the board, a permanent color technician or tattoo artist training program shall include at least 600 hours of theory and practical experience that include 50 completed procedures, if completed in an approved school, or 1200 hours of theory and practical experience that include 50 completed procedures, if completed under the supervision of an approved trainer. A training program directly supervised by an approved trainer shall be limited to one trainee.

(2) Each program of permanent cosmetics and tattooing shall include the following percentage of hours in its theory and practical experience:

Subject	Percentage of hours
Needles	7
Tattoo machines, equipment, and supplies	20
Safety, sanitation, sterilization, and blood-borne pathogens	15
Basic color theory and pigments	7
Placement of design	7
Skin: Diseases, disorders, and conditions	9
Client handling	2
Business operations and Kansas statutes and regulations pertaining to permanent cosmetics and tattooing	3
Clinical practice	30
Total hours	600 (In school) 1200 (Under a trainer)

(b)(1) To be approved by the board, a basic

body piercing technician training program shall include at least 600 hours of theory and practical experience that include 50 completed procedures, if completed in an approved school, or 1200 hours of theory and practical experience that include 50 completed procedures, if completed under the supervision of an approved trainer. In the basic body piercing training, the 50 completed procedures shall consist of at least five completed procedures for each of the following seven basic piercings in these areas:

- (A) Ears;
- (B) nose;
- (C) tongue;
- (D) nipple;
- (E) eyebrow;
- (F) navel; and
- (G) labrets (lips or around the mouth).

(2) The following is the minimum course of study for basic body piercing:

Subject	Percentage of hours
Health and safety	50
Sanitation, sterilization, and blood-borne pathogens	
Skin: Diseases, disorders, and conditions	
Anatomy	
Universal precautions	
First aid, C.P.R.	
Clinical/Practical	50
Needles, equipment and supplies	
Jewelry and placement	
Business operations and laws	
Client relations	

(c)(1) An advanced training program for body piercing shall include, in addition to the hours required for the basic body piercing, 50 completed procedures within the advanced areas.

(2) The advanced piercings shall include the following areas:

- (A) Male genitals;
- (B) female genitals;
- (C) multiple piercings in the same area; and
- (D) unusual piercings, including earl, which is surface-to-surface piercing located across the bridge of the nose, and madison, which is surface-to-surface piercing located near the clavical. (Authorized by K.S.A. 1996 Supp. 74-2702a and im-

plementing K.S.A. 1996 Supp. 65-1943 and 65-1949; effective Aug. 22, 1997.)

69-15-3. Permanent color technician trainer, tattoo artist trainer, and body piercing technician trainer. (a) Each applicant for permanent color technician trainer, tattoo artist trainer, and body piercing technician trainer shall apply on forms provided by the board. Each application shall include the following information:

(1) The applicant's current, valid Kansas permanent color technician, body piercing technician, or tattoo artist license number;

(2) documentation outlining the applicant's proposed training syllabus and meeting the requirements of K.A.R. 69-15-2(b) or (c); and

(3) the name and address of the licensed facility where training will be provided.

(b) To be designated as a permanent color technician trainer or tattoo artist trainer, the applicant shall submit verification of five years of full-time, active practice.

(c) To be designated as a body piercing technician trainer for the seven basic piercing procedures, the applicant shall submit verification of two years of full-time, active practice and verification of proficiency in all seven procedures. To be approved as a trainer for advanced piercing training, the applicant shall submit verification of four years of full-time, active practice and verification of proficiency in all of the advanced areas. The applicant may verify proficiency by submitting client records indicating completed piercing procedures in the applicable areas being performed by the trainer. (Authorized by and implementing L. 1996, Ch. 138, Sec. 4; effective Aug. 22, 1997.)

69-15-4. Out-of-state equivalent course of study. Board approval of a training program completed in another state shall be granted if these requirements are met:

(a) The trainer was licensed in another state during the applicant's participation in the training program;

(b) the applicant completed the training program under the direct supervision of the trainer, or in a school;

(c) the training program covered the areas of theory and practical experience specified in K.A.R. 69-15-2; and

(d) the training program included the number of hours of theory and practical experience and the number of completed procedures specified in

K.A.R. 69-15-2. (Authorized by and implementing L. 1996, Ch. 138, Sec. 4; effective Aug. 22, 1997.)

69-15-5. Application for licensure by examination. Each applicant for licensure shall apply on forms provided by the board and accompanied by the following:

(a) The application fee and the examination fee;

(b) proof of age of at least 18 years, including a copy of a driver's license, passport, or birth certificate, if not included in school records;

(c) a copy of the high school diploma, equivalent diploma (GED), or degree from an accredited institution of higher education; and

(d) an official transcript from a school of permanent color, tattooing, or body piercing or from an approved trainer, showing completion of a course of study equivalent to the requirements of K.A.R. 69-15-2. (Authorized by and implementing L. 1996, Ch. 138, Sec. 4; effective Aug. 22, 1997.)

69-15-6. Application completion and deadlines. (a) Applications for examination shall be received at least 30 calendar days before the next scheduled examination.

(b) Any application submitted during the 30-day period immediately prior to the examination shall be reviewed, and if the applicant satisfies the requirements, that person shall be scheduled for the subsequent examination.

(c) Applicants who fail to submit sufficient fees, complete documentation, and verification of training or experience, or both, shall be considered disqualified, and their application shall be closed. Examination fees may be carried forward one time to the next scheduled examination.

(d) Any candidate for examination who fails to complete the examination process within the following time limits shall be required to submit a new application, documentation, and fees, according to this schedule:

(1) One year from receipt of application, if the applicant does not meet the qualifications for examinations; or

(2) one year from the date that the last section of the examination was attempted.

(e) Any candidate who meets the requirements of the examination and is scheduled for the next examination may work in a licensed facility under the direct supervision of a licensed permanent cosmetic technician, tattoo artist, or body piercing technician until the candidate successfully passes the examination. (Authorized by and implement-

ing L. 1996, Ch. 138, Sec. 4; effective Aug. 22, 1997.)

69-15-7. Examination for permanent color technicians, tattoo artists, or body piercing technicians. (a) The examination shall consist of both a written and a practical examination on safety, sanitation, and standards of practice.

(b) The examination shall test the applicant's knowledge of these areas:

(1) Basic principles of safety, sanitation, and sterilization;

(2) Kansas laws and rules;

(3) chemical use and storage;

(4) diseases and disorders including skin disease, HIV, Hepatitis B, and communicable or transmittable diseases;

(5) equipment, supplies, tools, and implements;

(6) practice standards;

(7) facility standards; and

(8) definitions.

(c) The written examination shall consist of no more than 150 multiple-choice questions and shall not exceed two hours in duration. The examination shall be closed book and shall be presented and conducted in English.

(d) To test the applicant's knowledge of infection-control practices and practice standards, the practical examination shall evaluate the following:

(1) A setup for an actual procedure;

(2) a demonstration of a procedure; and

(3) a demonstration of the clean-up process for a procedure.

(e) Examination candidates shall achieve a 75 percent or higher score on both the written and the practical sections in order to be issued a license. (Authorized by and implementing L. 1996, Ch. 138, Sec. 4 (d)(2); effective Aug. 22, 1997.)

69-15-8. Examination behavior. (a) Taking notes, textbooks, or notebooks into the examination room shall be prohibited.

(b) An applicant shall be immediately disqualified during or after the examination for conduct that interferes with the examination. Such conduct may include the following behavior:

(1) Giving or receiving aid, directly or indirectly during the examination process;

(2) obtaining help or information from notes, books, or other individuals to answer questions;

(3) removing or attempting to remove any se-

cure, examination-related information or materials from the examination site;

(4) failing to follow directions relative to the conduct of the examination; and

(5) exhibiting behavior that impedes the normal progress of the examination.

(c) Disqualification shall invalidate the examination and result in forfeiture of the examination and fee. The applicant shall be required to reapply, submit an additional examination fee, and schedule another examination at the date and time determined by the executive director. Re-examination shall be conducted at the board office. (Authorized by K.S.A. 1996 Supp. 74-2702a and implementing K.S.A. 1996 Supp. 65-1948; effective Aug. 22, 1997.)

69-15-9. Issuance and renewal of licenses. (a) Each individual license shall expire on the last day of the licensee's birth month. License fees shall be prorated at the rate of $\frac{1}{12}$ th of the license fee for each month of the original license.

(b) A notice of renewal shall be mailed by the board to the last known address of the license holder.

(c) The applicant shall apply for renewal in advance of the license expiration date of the prior license.

(d) Renewal payments received in the board office or postmarked after the expiration date but within one year of expiration shall be assessed a late fee in addition to the annual renewal fee.

(e) A license that has been expired for more than one year but less than three shall be deemed suspended and may be reactivated by payment of the following:

(1) A suspended renewal fee for each year expired;

(2) a reactivation fee; and

(3) a renewal fee.

(f) Any individual who fails to renew or reactivate a license within three years from the date of expiration shall reapply to take the exams, submit the examination fee and one-year licensee fee, and successfully pass all sections of the examination before a license is reissued. (Authorized by and implementing L. 1996, Ch. 138, Sec. 6; effective Aug. 22, 1997.)

69-15-10. Display of license and inspection certificate. (a) The practitioner shall post in public view in the lobby or waiting area of the place of business the current practitioner and fa-

cility license and a copy of the latest inspection certificate.

(b) A licensee shall not post a reproduction of any license unless the board has issued and marked it "Duplicate."

(c) A licensee shall not post a pocket identification card in lieu of a license. (Authorized by and implementing L. 1996, Ch. 138, Sec. 5(a); effective Aug. 22, 1997.)

69-15-11. Inspections generated by a complaint. (a) Each establishment shall be subject to inspection by the board or its designee, in order to investigate a specific complaint filed with the board, or to investigate any suspected violation of sanitary rules and regulations or other violations of the act.

(b) An inspection generated by a complaint shall be authorized by the board or its executive director at any time, subject to the following limitations:

(1) Inspections shall be made only between the hours of 8:00 a.m. and 6:00 p.m. or anytime the practice or instruction of permanent color, tattooing, or body piercing is being conducted, unless agreed otherwise by all interested persons or entities.

(2) Inspections shall be conducted by the board members, the executive director, employees, or agents of the board. (Authorized by and implementing L. 1996, Ch. 138, Sec. 9(i); effective Aug. 22, 1997.)

69-15-12. Continuing education for license renewal. To maintain licensure in the field in which they are licensed to practice, permanent color technicians, tattoo artists, and body piercing technicians shall participate in continuing education according to these criteria:

(a) Each individual shall complete 15 hours, either as one unit or a combination of units, not less than one hour each, every three years.

(b) Continuing education courses shall be of the same subject matter relating to the practice as the required curricula for training as a permanent color technician, tattoo artist, and body piercing technician and shall consist of the following:

(1) Participation in or attendance at an instructional program presented, recognized, or conducted under the auspices of any permanently organized institution, agency, or association;

(2) self-study, participation, or attendance at a program not covered by paragraph (b)(1) of this

regulation, comprising up to six hours of the total requirement; or

(3) attendance at a meeting of the advisory council for permanent color technicians, tattoo artists and body piercing technicians for a maximum of three hours per meeting, totalling no more than six hours in a three-year period.

(c) A license shall not be renewed without receipt of the required continuing education report.

(d) Each licensee failing to obtain 15 clock hours of continuing education every three years shall successfully pass a written examination in order to have the license renewed. (Authorized by and implementing L. 1996, Ch. 138, Sec. 6(d); effective Aug. 22, 1997.)

69-15-13. Reporting continuing education. (a) Each licensee shall be responsible for submitting to the board proof of participation in required continuing education.

(b) Each licensee shall submit to the board the renewal document, fee, and proof of 15 clock hours of continuing education as a condition of renewal every three years. Proof of participation shall consist of the following:

(1) Submission to the board of evidence sustaining completion of self-study by means of correspondence courses or national home-study issues; review of publications, textbooks, printed material, or audiocassettes; or viewing of films, videos, or slides. The documentation shall indicate the type of study, describe its content, and state the date and duration in clock hours. Self-study shall relate to the subjects listed for the practice of permanent color, tattooing, or body piercing as stated in K.A.R. 69-15-2; or

(2) submission to the board of a certificate of completion or verification, issued by the sponsoring organization or person, of attendance in a course, program, seminar, or lecture and showing the name of the sponsor, the title of the presentation, a description of its content, the name of the instructor or presenter, the date, its duration in hours, and any supplemental documentation to support that the sponsor and subject matter meet the requirements and relate to the practice as stated in K.A.R. 69-15-2.

(c)(1) The 15 clock hours of continuing education shall be accumulated only in the most recent renewal period. The licensee shall hold the proof of continuing education until submitting it to the board at the time of renewal; and

(2) Hours of continuing education in excess of

the requirement for renewal every three years shall not be carried forward. (Authorized by and implementing L. 1996, Ch. 138, Sec. 6(d); effective Aug. 22, 1997.)

69-15-14. Permanent color, tattoo, and body piercing facility licensing. (a) Permanent color technicians, tattoo artists, and body piercing technicians shall not practice at any location other than a licensed facility.

(b) A facility license shall be issued, providing that the applicant fulfills these requirements prior to opening:

(1) Applies to the board on a form approved by the board and pays the required fee;

(2) complies with all applicable rules and regulations of the board;

(c) certifies that application information is correct; and

(4) provides a map or directions for locating the shop, if the facility is in a rural or an isolated area.

(c) If the facility is in a home, it shall have an identifying house number or a sign that is easily visible from the street.

(d) The cleanliness and sanitation of any common area of separately licensed facilities in one premises shall be the responsibility of each license holder on that premises. Any violation found in the common area shall be cited against all facility licenses issued and posted on the premises.

(e) Each facility owner shall meet these requirements:

(1) Allow a board inspector to inspect the facility when it is open for business;

(2) be prohibited from exhibiting, or failing to prevent employees from exhibiting, behavior that impedes normal progress of the inspection; and

(f) Each purchaser of an existing facility shall perform the following:

(1) Meet the requirements of a new facility; and

(2) submit a new facility application and fee prior to assuming operation of the business.

(g) Owners of facilities moving to new locations shall perform the following:

(1) Meet the requirements of a new facility; and

(2) submit an application and a fee for a new facility license.

(h) Facility licenses are not transferable from person to person or to a new location.

(i) Each facility owner closing a facility shall in-

form the board office, within five business days and in writing, of closure of the facility.

(j) If the same owner reopens the facility while the license is still current, the owner shall inform the board office prior to the reopening. (Authorized by and implementing L. 1996, Ch. 138, Sec. 5(d) and Sec. 9; effective Aug. 22, 1997.)

69-15-15. Permanent color technician, tattoo artist, and body piercing technician practice standards; restrictions. (a) Licensees shall keep an individual record of each client. That record shall include the name and address of the client, the date and duration of each service, the type of service, and special instructions or notations relating to the client's medical or skin conditions, including the following:

- (1) Diabetes;
- (2) allergies;
- (3) cold sores and fever blisters;
- (4) epilepsy;
- (5) heart conditions;
- (6) hemophilia;
- (7) hepatitis;
- (8) medication that thins the blood;
- (9) moles or freckles at the site of service;
- (10) psoriasis or eczema;
- (11) pregnant or nursing women;
- (12) scarring (keloid); and
- (13) other medical or skin conditions.

(b) Licensees may obtain advice from physicians regarding medical information needed to safeguard the client and the technician or artist.

(c) Each licensee shall give pre-service information in written form to the client to advise of possible reactions, side effects, and potential complications of the tattooing process. Each licensee shall give aftercare instructions to the client, both verbally and in writing after every service.

(d) Each licensee shall take photographs for corrective procedures, in relationship to tattooing or permanent cosmetics, and before and after service, for records maintained.

(e) Each licensee shall purchase ink, dyes, or pigments from a reputable supplier or manufacturer. No licensee shall use products banned or restricted by the food and drug administration for use in tattooing and permanent color.

(f) A licensee shall not perform tattooing or body piercing for any of these individuals:

(1) A person who is inebriated or appears to be incapacitated by the use of alcohol or drugs;

(2) any person who shows signs of recent intravenous drug use;

(3) a person with sunburn or other skin diseases or disorders, including open lesions, rashes, wounds, or puncture marks;

(4) any person with psoriasis or eczema present in the treatment area.

(g) Use of the piercing gun to pierce shall be prohibited on all parts of the body, with the exception of the ear lobe.

(h) Use of personal client jewelry or any apparatus or device presented by the client for use during the initial body piercing shall be prohibited. Each facility shall provide presterilized jewelry, apparatus, or devices, which shall be of metallic content recognized as compatible with piercing services.

(i) No person afflicted with an infectious or communicable disease that may be transmitted during the performance of permanent color, tattoo application, or body piercing shall be permitted to work or train in a school or facility.

(j) No school or facility shall require or permit a student or licensee knowingly to work upon a person suffering from any infectious or communicable disease that may be transmitted during the performance of permanent color, tattoo application, or body piercing.

(k) Nothing shall prohibit the permanent color technician, tattoo artist, or body piercing technician from refusing to provide services to anyone under the age of 18. (Authorized by K.S.A. 1996 Supp. 74-2702a and implementing K.S.A. 1996 Supp. 65-1946 and 65-1953; effective Aug. 22, 1997.)

69-15-16. Facility standards. All facilities shall meet the following criteria.

(a) All areas shall be kept clean and in good repair.

(b) All surfaces, including counters, tables, equipment, client chairs, or recliners, that are in treatment and sterilization areas shall be made of smooth, nonabsorbent, and nonporous material.

(c) Surfaces or blood spills shall be cleaned using an EPA-registered, hospital-grade disinfectant.

(d) The water and plumbing fixtures in the facility shall include easy access to a sink with hot and cold running water, as part of the surrounding premises or adjacent to the facility but separate from a public restroom.

(e) Toilet facilities shall be kept clean and in

good working order at all times. Each toilet shall have a handwashing sink and a soap dispenser with disposable towels or an air dryer for hands.

(f) The facility shall be equipped with adequate and sufficient artificial or natural lighting, providing at least 10 foot-candles of light at the work station or table, used at all times during which business is being conducted.

(g) The facility shall be well ventilated with natural or mechanical methods that remove or exhaust fumes, vapors, or dust in order to prevent hazardous conditions from occurring or to allow the free flow of air in a room in proportion to the size of the room and the capacity of the room.

(h) A proprietor or person in charge of the facility may designate the entire area as a nonsmoking area. A designated smoking area means any area set aside by a proprietor or person in charge of a public place where tobacco smoking is permitted and where a sign indicates the same. No person shall smoke or carry any lighted smoking device in a public place except in designated smoking areas. No facility shall be designated in its entirety as a smoking area. "Public place" means any enclosed indoor area open to and frequented by the public. "Open to and frequented by the public" means any area where the public can freely enter or move without special invitation.

(i) If a room used for residential purposes is the same room or adjacent to a room used for the practice of permanent color, tattooing, or body piercing, then a solid partition shall separate the premises used for residential purposes from the tattooing and piercing area. The partition may contain a door, provided it remains closed, except for entering and leaving.

(j) If a room used for any business purposes other than permanent color, tattooing, or body piercing is the same room or is adjacent to a room used for the practice of permanent color, tattooing, or body piercing, then the board may require that one or more of the following requirements be satisfied if there are conditions that the board considers a possible threat to the health of the employees, the customers, or the public:

(1) A solid partition shall separate the premises used for other business purposes from the permanent color, tattooing, or body piercing area. The partition may contain a door, provided it remains closed except for entering and leaving.

(2) A separate outside entrance shall be provided for the facility.

(k) Pets or other animals shall not be permitted in the business facility. This prohibition shall not apply to registered therapy animals; trained guide animals for the disabled, sightless, or hearing impaired; or fish in aquariums. (Authorized by K.S.A. 1996 Supp. 74-2702a and implementing K.S.A. 1996 Supp. 65-1946 and 65-1949; effective Aug. 22, 1997.)

69-15-17. Required equipment: articles and materials. (a) Practicing permanent color technicians and tattoo artists shall maintain the following equipment at the place of business:

- (1) A tattoo machine or hand pieces of non-porous material that has the ability to be sanitized;
 - (2) stainless steel or carbon needles and needle bars;
 - (3) stainless steel, brass, or lexan tubes that have the ability to be sterilized;
 - (4) sterilization bags with color strip indicators;
 - (5) protective, disposable gloves;
 - (6) single-use, disposable plastic tubes, razors, or straight razors;
 - (7) single-use towels, tissues, or paper products;
 - (8) a sharps container and biohazard waste bags;
 - (9) approved inks, dyes, and pigments; and
 - (10) approved equipment for cleaning and sterilizing instruments at the place of business.
- (b) Practicing body piercing technicians shall maintain the following equipment at the place of business:
- (1) Single-use stainless steel needles;
 - (2) sterilization bags with color strip indicators;
 - (3) protective, disposable gloves;
 - (4) single-use towels, tissues, or paper products;
 - (5) a sharps container and biohazard waste bags;
 - (6) approved equipment for cleaning and sterilizing instruments;
 - (7) a piercing table or chair of nonporous material that can be sanitized;
 - (8) a covered trash receptacle;
 - (9) spore tests;
 - (10) forceps that can be sterilized;
 - (11) pliers of various sizes, made of material that can be sterilized;
 - (12) bleach or hard-surface disinfectants, or both;
 - (13) antibacterial hand soap; and
 - (14) jewelry disinfectant. (Authorized by and

implementing L. 1996, Ch. 138, Sec. 7; effective Aug. 22, 1997.)

69-15-18. Cleaning methods prior to sterilization. (a) Each practitioner shall clean all nonelectrical instruments prior to sterilizing by brushing or swabbing to remove foreign material or debris, rinsing, and then performing either of the following steps:

(1) Immersing them in detergent and water in an ultrasonic unit that operates at 40 to 60 hertz, followed by a thorough rinsing and wiping; or

(2) submerging and soaking them in a protein-dissolving detergent or enzyme cleaner, followed by a thorough rinsing and wiping.

(b) For all electrical instruments, each practitioner shall perform the following:

(1) First remove all foreign matter; and

(2) disinfect with an EPA-registered disinfectant with demonstrated bactericidal, fungicidal, and virucidal activity used according to manufacturer's instructions. (Authorized by K.S.A. 1996 Supp. 74-2702a and implementing K.S.A. 1996 Supp. 65-1946 and 65-1949; effective Aug. 22, 1997.)

69-15-19. Instrument sterilization standards. (a) The practitioner shall place cleaned instruments used in the practice of tattooing or piercing in sterile bags, with color strip indicators, and shall sterilize the instruments by exposure to one cycle of an approved sterilizer, in accordance with K.A.R. 69-15-20.

(b) The provisions of this regulation shall not apply to electrical instruments. (Authorized by K.S.A. 1996 Supp. 74-2702a and implementing K.S.A. 1996 Supp. 65-1946 and 65-1949; effective Aug. 22, 1997.)

69-15-20. Approved sterilization modes.

(a) Instruments used in the practice of permanent color, tattoo artist services, or body piercing shall be sterilized, using one of the following methods:

(1) In a steam or chemical autoclave sterilizer, registered and listed with the federal food and drug administration, and used, cleaned, and maintained according to manufacturer's directions; or

(2) with single-use, prepackaged, sterilized equipment obtained from reputable suppliers or manufacturers.

(b) Practitioners shall sterilize all piercing instruments that have or may come in direct contact with a client's skin or be exposed to blood or body

fluids. Piercing needles shall not be reused. All piercing needles shall be single use.

(c) All sterilizing devices shall be tested on a regular basis for functionality and thorough sterilization by use of the following means:

(1) Chemical indicators that change color, to assure sufficient temperature and proper functioning of equipment during the sterilization cycle; and

(2) a biological monitoring system using commercially prepared spores, to assure that all microorganisms have been destroyed and sterilization has been achieved. This testing shall be performed every three months for tattoo and body piercing facilities.

(d) Chemical and biological indicator test results shall be made available at the facility at all times for inspection by the board compliance officers.

(e) Practicing permanent color, tattoo, and body piercing facilities shall submit to an inspection at least once every year, in order to determine compliance with requirements of the statute and with sanitation and sterilization practices. (Authorized by K.S.A. 1996 Supp. 74-2702a and implementing K.S.A. 1996 Supp. 65-1946, 65-1948, and 65-1949; effective Aug. 22, 1997.)

69-15-21. Handwashing and protective gloves. (a) Prior to and immediately following administering services to a client, all licensees and individuals being trained by licensed permanent color technicians, tattoo artists, and body piercing technicians shall thoroughly wash their hands and nails in hot, running water with soap and rinse them in clean, warm water.

(b) All licensees and individuals being trained by licensed permanent color technicians, tattoo artists, and body piercing technicians shall wear protective gloves during services. Protective gloves shall be disposed of immediately following service. (Authorized by and implementing L. 1996, Ch. 138, Sec. 7; effective Aug. 22, 1997.)

69-15-22. Linens. (a) Each practitioner shall use clean linens for each client.

(b) A common towel shall be prohibited.

(c) Air blowers may be substituted for hand towels.

(d) Each practitioner shall store clean linens, tissues, or single-use paper products in a clean, enclosed storage area until needed for immediate use.

(e) Each practitioner shall dispose of or store

used linens in a closed or covered container until laundered.

(f) Each practitioner shall launder used linens either by a regular, commercial laundering or by a noncommercial laundering process that includes immersion in water at 160 degrees Fahrenheit for not less than 15 minutes during the washing and rinsing operations. (Authorized by and implementing L. 1996, Ch. 138, Sec. 7; effective Aug. 22, 1997.)

69-15-23. Clean instruments and products storage. (a) Before use, disposable products that come in contact with the areas to be treated shall be stored in clean containers that can be closed between treatments.

(b) Clean, sterilized reusable instruments that come in contact with the areas to be treated shall be stored in clean, sterilized containers.

(c) Clean, sterilized reusable transfer instruments, including forceps, trays, and tweezers, shall be stored in a clean, dry, sterilized container. (Authorized by and implementing L. 1996, Ch. 138, Sec. 7; effective Aug. 22, 1997.)

69-15-24. Chemical storage. Each practitioner shall store chemicals in labeled, closed containers in an enclosed storage area. All bottles containing poisonous or caustic substances shall be additionally and distinctly marked as such and shall be stored in an area not open to the public. (Authorized by and implementing L. 1996, Ch. 138, Sec. 7; effective Aug. 22, 1997.)

69-15-25. Handling disposable materials. (a) Each practitioner shall dispose of disposable materials coming into contact with blood, body fluids, or both, in a sealable plastic bag that is separate from sealable trash or garbage liners or in a manner that protects not only the licensee and the client, but also others who may come into contact with the material, including sanitation workers.

(b) Disposable, sharp objects that come in contact with blood or body fluids shall be disposed of in a sealable, rigid, puncture-proof container that is strong enough to protect the licensee, client, and others from accidental cuts or puncture wounds that could happen during the disposal process.

(c) Licensees shall have either sealable plastic bags or sealable rigid containers available at the facility.

(d) Each practitioner shall follow universal pre-

cautions in all cases. (Authorized by and implementing L. 1996, Ch. 138, Sec. 7; effective Aug. 22, 1997.)

69-15-26. Waste receptacles. (a) The practitioner shall deposit all waste material related to treatment in a covered container, following service for each client.

(b) Waste disposed in a reception area and restrooms shall be limited only to materials that are not used in providing services to the client or are practice related.

(c) Waste disposal containers shall be kept clean. (Authorized by and implementing L. 1996, Ch. 138, Sec. 7; effective Aug. 22, 1997.)

69-15-27. Permanent color and tattoo procedures. (a) Permanent color technicians and tattoo artists shall dispense all substances from containers in a manner that prevents contamination of the unused portion. A spray bottle to apply liquid to skin may be used. Single-use tubes or containers and applicators shall be discarded following the tattoo service.

(b) Paper stencils and skin scribes shall be single use and shall be disposed of immediately following service.

(c) The practitioner shall remove the tip of each body pencil used during a tattoo service, shall disinfect the body and tip of the pen, and shall sharpen the tip to remove the exposed edge.

(d) The plastic or acetate stencil used to transfer the design to the client's skin shall be thoroughly cleansed and rinsed in an EPA-approved germicidal solution, according to the manufacturer's instructions, and then dried with a clean, single-use paper product.

(e) Individual portions of inks, dyes, or pigments in clean, single-use containers shall be used for each client. Any remaining unused dye or pigments shall be discarded immediately following service.

(f) Excess ink, dye, or pigment applied to the client's skin shall be removed with a clean, single-use paper product obtained from a self-dispensing container.

(g) Use of styptic pencils or alum solids to check any blood flow shall be prohibited.

(h) Upon completion of tattooing, the practitioner shall cleanse the skin, excluding the area surrounding the eyes, with a clean, single-use paper product saturated with an EPA-approved germicidal solution.

(i) A sanitary covering shall be placed over de-

signs and adhered to the skin with suitable skin tape.

(j) Each practitioner shall provide aftercare, which shall consist of both verbal and written instructions concerning proper care of the tattooed skin. Instructions shall specify the following information:

- (1) Care following service;
- (2) possible side effects; and
- (3) restrictions.

(Authorized by and implementing L. 1996, Ch. 138, Sec. 7; effective Aug. 22, 1997.)

69-15-28. Preparation and aftercare of treatment area on client. (a) Permanent color technicians and tattoo artists shall cleanse the client's skin, excluding the areas surrounding the eyes, by washing with an EPA-approved germicidal solution applied with a clean, single-use paper product, before placing the design on the client's skin or beginning tattooing work.

(b) If the area is to be shaved, the licensee shall use a single-use, disposable safety razor or sterilized straight-edged razor, and then rewash the client's skin.

(c) Substances applied to the client's skin to transfer the design from stencil or paper shall be single use.

(d) Aftercare shall be administered to each client following service, as stated in K.A.R. 69-15-27. (Authorized by and implementing L. 1996, Ch. 138, Sec. 7; effective Aug. 22, 1997.)

69-15-29. Body piercing procedures. Body piercing technicians shall be responsible for adhering to the following standards while serving clients in the facility.

(a) Each technician shall observe and follow thorough handwashing procedures with soap and water or an equivalent handwashing product before and after serving each client and as needed to prevent cross contamination or transmission of body fluids, infections or exposure to service-related wastes or chemicals.

(b) Each technician shall cleanse the client's skin, excluding the areas surrounding the eyes, by washing it with an FDA-registered antiseptic solution applied with a clean, single-use paper product before and after piercing the client's skin.

(c) All substances shall be dispensed from containers in a manner to prevent contamination of the unused portion. Single-use tubes or containers and applicators shall be discarded following the piercing service.

(d) Any type of marking pen used by the technician shall be applied on cleansed skin only or shall be a surgical marking pen sanitized by design, including alcohol-based ink pens. The technician shall remove the tip of each body pencil used during a piercing, shall disinfect the body and the tip of the pencil, and shall sharpen the tip to remove the exposed edge.

(e) Use of styptic pencils or alum solids to control blood flow shall be prohibited.

(f) Aftercare shall be administered to each client following service. Aftercare shall consist of both verbal and written instructions concerning proper care of the pierced area. Instructions shall specify the following information:

- (1) Care following service;
- (2) possible side effects; and
- (3) restrictions.

(g) Technicians who have open sores or bleeding lesions on their hands shall not have client contact until the lesions have healed to the scab phase. Each technician shall cover them with pro-

tective gloves or impervious bandages prior to contact with clients.

(h) Technicians shall wear eye goggles, shields, or masks if spattering is likely to occur while providing services. (Authorized by and implementing L. 1996, Ch. 138, Sec. 7; effective Aug. 22, 1997.)

69-15-30. Fees. The following fees shall be charged:

Exam application fee	\$ 35.00
Examination fees	
Written	25.00
Practical	50.00
License fee	
Initial	50.00
Annual renewal	100.00
Late fee	50.00
Duplicate license fee	25.00
Facility license and renewal fee	100.00
Facility late fee	50.00
Demonstration license	50.00

(Authorized by and implementing K.S.A. 1996 Supp. 69-1950; effective Aug. 22, 1997.)